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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES A. MURPHY,
Plaintiff,

v.

J.B. HUNT TRANSPORT SERVICES, INC.
and DOES 1 through 10, inclusive,
Defendants.

Case No.: CV 10-01568 WHA

~~PROPOSED~~ ORDER GRANTING
DEFENDANT'S MOTION TO COMPEL

~~[PROPOSED]~~ ORDER

Defendant J.B. HUNT TRANSPORT, INC.'s ("Defendant") Motion to Compel came on for hearing on September 21, 2010, at 11:00 a.m. Angela L. Diesch appeared for Defendant and Jean Hyams appeared for Plaintiff. After consideration of the parties' papers and the arguments made at the hearing, Defendant's Motion to Compel is GRANTED as follows.

1. The scope of discovery in this matter encompasses Plaintiff's medical records for the past four years, other than medical records related to sexual or reproductive matters. The only exception to this is if any record relating to sexual or reproductive matters is included in Dr. Sumalquial's determination that Plaintiff had been "diagnosed with several serious medical conditions" as referenced in the doctor's note dated March 3, 2009, such records are discoverable.

2. The scope of discovery in this matter also encompasses sources of income as Plaintiff's sources of income since the time of his termination to present are related to the issue of mitigation of damages.

3. Plaintiff is required to produce those records responsive to Request Nos. 40-42 of Defendant's Request for Production of Documents, Set One, dated June 18, 2010 that are in Plaintiff's possession, consistent with this order that all medical records for the past four years are within the scope of discovery.

4. Defendant's request for an order compelling Plaintiff to sign an authorization permitting Defendant to obtain his medical records from third parties is denied.

5. Plaintiff shall not object to a subpoena issued for the production of Plaintiff's Kaiser Permanente medical records within the scope set by this order.

6. Plaintiff will re-appear for deposition on Wednesday, September 29, 2010 at 9:00 a.m. to answer the questions which he refused to answer in his first session of deposition, as well as questions reasonably following from them. The schedule for completion of Plaintiff's deposition may be changed only by agreement in writing by counsel for each party.

1 **IT IS SO ORDERED.**

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3 DATED: September 28, 2010.



Honorable William H. Alsup
United States District Court Judge

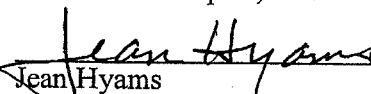
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6 **APPROVED AS TO FORM:**

7 DATED: 09/27/10



Angela L. Diesch
Attorneys for Defendant
J.B. Hunt Transport, Inc.

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9 DATED: 9/23/2010



Jean Hyams
Attorneys for Plaintiff
James A. Murphy